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May 28, 2019

Via facsimile (973-656-3921) and Overnight Mail  
Hon. Maritza Berdote Byrne, P.J. Ch.  
Morris County Superior Court  
Washington & Court Streets  
PO Box 910  
Morristown, NJ 07963

Re: NJDEP v. Joseph Wallace and Laura Wallace  
Docket No.: SSX-C-7-19

Dear Judge Berdote Byrne:

This letter confirms the telephone correspondence from Your Honor's chambers this morning. By copy of this letter, this office has notified opposing counsel of the Court's decision to rule on the papers and not hold oral arguments on May 30, 2019, due to Defendants' failure to file timely opposition.

Additionally, this letter confirms that the Court provided paper copies of the signed Order to Show Cause to counsel for all parties at the conclusion of the March 1, 2019 Order to Show Cause hearing.

For the Court's convenience, attached is the original form of order provided by the State in its Order to Show Cause filings.

Respectfully Submitted,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

Matthew D. Knoblauch  
Deputy Attorney General

Cc: Jeffrey M. Patti, Esq. (via fax 973-729-4367)



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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - SUSSEX COUNTY  
DOCKET NO. \_\_\_\_\_

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STATE OF NEW JERSEY, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

v.

JOSEPH WALLACE, and LAURA  
WALLACE,

Defendants.

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Civil Action

PROPOSED ORDER

THIS MATTER being brought before the Court by Gurbir S. Grewal, Attorney General of New Jersey, attorney for the Plaintiff, State of New Jersey, Department of Environmental Protection (the "Department" or "NJDEP"), (Kevin J. Fleming and Matthew D. Knoblauch, Deputy Attorneys General, appearing), seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the Court having determined that this matter may be commenced by order to show cause as a summary proceeding

pursuant to the Solid Waste Management Act ("SWMA"), N.J.S.A. 13:1E-9(d); and for good cause shown:

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2019, ORDERED that:

1. Defendants Joseph Wallace and Laura Wallace are jointly and severally liable for violations of the SWMA, N.J.S.A. 13:1E-1 et seq. and the regulations pursuant thereto, specifically N.J.A.C. 7:26-2.8(f), by operating a solid waste facility without a permit and specifically N.J.S.A. 13:1D-9d., by failure to allow access to inspect the Wallace Property, and that

2. Defendants Joseph Wallace and Laura Wallace shall:

a. Immediately cease receiving any and all fill material and/or solid waste onto the property at Block 130, Lot 1.05, also known as 3 Silver Spruce Drive, Vernon, New Jersey (the "site");

b. Immediately provide access by NJDEP and/or individuals on behalf of the Department to delineate the area of disturbance and extent of the fill material brought onto the site, to perform any sampling of the material on site, and/or perform any other inspections of the property as the Department deems necessary to determine compliance with the SWMA, the Water Pollution Control Act, and the Highlands Water Protection and Planning Act;

c. Within thirty days of this order, characterize all fill material to determine if it meets the definition of solid waste as defined at N.J.A.C. 7:26-1.6 and provide NJDEP an estimate for the cost of removal of the solid waste;

d. Within ninety days of this order, remove and properly dispose

(in accordance with applicable New Jersey laws) of all fill material which meets the definition of solid waste on the site;

e. Within 10 days of this order, provide NJDEP with full and complete documentation setting forth the source and nature of the material brought onto the site since 2009, including but not limited to all analytical results, receipts, bills of lading, and identification of all transporting haulers;

f. Within 45 days of this order, place sufficient funds into escrow or an attorney trust account, to be identified by this Court, to guarantee adequate funds for removal of the solid waste on-site.

Date: \_\_\_\_\_

\_\_\_\_\_  
J.S.C.

\_\_\_ Opposed

\_\_\_ Unopposed